

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2009-114

CHRISTINA MARIE LaPINSKA

9708 S. Normandy

Oak Lawn, IL 60453

Registered Nurse License No. 763024
Respondent

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on November 13, 2009.

IT IS SO ORDERED October 13, 2009.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 083047
Supervising Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 324-5339
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Statement of Issues Against:

Case No. 2009-114

12 **CHRISTINA MARIE LaPINSKA**
9708 S. Normandy
13 Oak Lawn, IL 60453,

STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER

14 Respondent.

15
16 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to
17 the above-entitled proceedings that the following matters are true:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
20 the Board of Registered Nursing. She brought this action solely in her official capacity and is
21 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
22 by Arthur D. Taggart, Supervising Deputy Attorney General.

23 2. Respondent Christina Marie LaPinska ("Respondent") is representing
24 herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

25 3. On or about July 2, 2008, Respondent filed an application dated June 2,
26 2008, with the Board of Registered Nursing to obtain Registered Nurse Licensure by
27 Endorsement. The Board denied the application on August 20, 2008.

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Q

9
10
11

12
13
14
15
16
17
18

19
20

21

22
23

24
25
26

27

78

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5
6
7
8
9
10
11

12
13
14

15
16
17

18

19

20
21
22
23
24

25
26
27

28

1 other applications thereof, shall not be affected. Each condition of this Order shall separately be
2 valid and enforceable to the fullest extent permitted by law.

3 2. **OBEY ALL LAWS.** Respondent shall obey all federal, state and local
4 laws. A full and detailed account of any and all violations of law shall be reported by
5 Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit
6 monitoring of compliance with this condition, Respondent shall submit completed fingerprint
7 forms and fingerprint fees within 45 days of the effective date of the decision, unless previously
8 submitted as part of the licensure application process.

9 **CRIMINAL COURT ORDERS:** *If Respondent is under criminal court orders,*
10 *including probation or parole, and the order is violated, this shall be deemed a violation of these*
11 *probation conditions, and may result in the filing of an accusation and/or petition to revoke*
12 *probation.*

13 3. **COMPLY WITH THE BOARD'S PROBATION PROGRAM.**
14 Respondent shall fully comply with the conditions of the Probation Program established by the
15 Board and cooperate with representatives of the Board in its monitoring and investigation of the
16 Respondent's compliance with the Board's Probation Program. Respondent shall inform the
17 Board in writing within no more than 15 days of any address change and shall at all times
18 maintain an active, current license status with the Board, including during any period of
19 suspension.

20 Upon successful completion of probation, Respondent's license shall be fully
21 restored.

22 4. **OTHER BOARD OR REGULATORY AGENCY ORDERS:**

23 Respondent is subject to a current disciplinary order from the State of Illinois
24 Department of Financial and Professional Regulation, Division of Professional Regulation, No.
25 200700715, dated February 8, 2008, as set forth in a Stipulation and Consent Order which places
26 Respondent on probation for an indefinite period of not less than two (2) years. If Respondent
27 violates the Order, this shall be deemed a violation of probationary conditions imposed by the
28 Board, and may result in the filing of an Accusation and Petition to Revoke Probation.

1 5. **REPORT IN PERSON.** Respondent, during the period of probation,
2 shall appear in person at interviews/meetings as directed by the Board or its designated
3 representatives.

4 6. **RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE.**
5 Periods of residency or practice as a registered nurse outside of California shall not apply toward
6 a reduction of this probation time period. Respondent's probation is tolled, if and when she
7 resides outside of California. Respondent must provide written notice to the Board within 15
8 days of any change of residency or practice outside the state, and within 30 days prior to re-
9 establishing residency or returning to practice in this state.

10 Respondent shall provide a list of all states and territories where she has ever been
11 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
12 provide information regarding the status of each license and any changes in such license status
13 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
14 new nursing license during the term of probation.

15 7. **SUBMIT WRITTEN REPORTS.** Respondent, during the period of
16 probation, shall submit or cause to be submitted such written reports/declarations and verification
17 of actions under penalty of perjury, as required by the Board. These reports/declarations shall
18 contain statements relative to Respondent's compliance with all the conditions of the Board's
19 Probation Program. Respondent shall immediately execute all release of information forms as
20 may be required by the Board or its representatives.

21 Respondent shall provide a copy of this Decision to the nursing regulatory agency
22 in every state and territory in which she has a registered nurse license.

23 8. **FUNCTION AS A REGISTERED NURSE.** Respondent, during the
24 period of probation, shall engage in the practice of registered nursing in California for a
25 minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

26 For purposes of compliance with the section, "engage in the practice of registered
27 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
28 work in any non-direct patient care position that requires licensure as a registered nurse.

1 The Board may require that advanced practice nurses engage in advanced practice
2 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
3 Board.

4 If Respondent has not complied with this condition during the probationary term,
5 and Respondent has presented sufficient documentation of her good faith efforts to comply with
6 this condition, and if no other conditions have been violated, the Board, in its discretion, may
7 grant an extension of Respondent's probation period up to one year without further hearing in
8 order to comply with this condition. During the one year extension, all original conditions of
9 probation shall apply.

10 **9. EMPLOYMENT APPROVAL AND REPORTING**

11 **REQUIREMENTS.** Respondent shall obtain prior approval from the Board before
12 commencing or continuing any employment, paid or voluntary, as a registered nurse.
13 Respondent shall cause to be submitted to the Board all performance evaluations and other
14 employment related reports as a registered nurse upon request of the Board.

15 Respondent shall provide a copy of this Decision to her employer and immediate
16 supervisors prior to commencement of any nursing or other health care related employment.

17 In addition to the above, Respondent shall notify the Board in writing within
18 seventy-two (72) hours after she obtains any nursing or other health care related employment.
19 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
20 terminated or separated, regardless of cause, from any nursing, or other health care related
21 employment with a full explanation of the circumstances surrounding the termination or
22 separation.

23 **10. SUPERVISION.** Respondent shall obtain prior approval from the Board
24 regarding Respondent's level of supervision and/or collaboration before commencing or
25 continuing any employment as a registered nurse, or education and training that includes patient
26 care.

27 Respondent shall practice only under the direct supervision of a registered nurse
28 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative

1 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
2 are approved.

3 Respondent's level of supervision and/or collaboration may include, but is not
4 limited to the following:

5 (a) Maximum - The individual providing supervision and/or collaboration is
6 present in the patient care area or in any other work setting at all times.

7 (b) Moderate - The individual providing supervision and/or collaboration is in
8 the patient care unit or in any other work setting at least half the hours Respondent works.

9 (c) Minimum - The individual providing supervision and/or collaboration has
10 person-to-person communication with Respondent at least twice during each shift worked.

11 (d) Home Health Care - If Respondent is approved to work in the home health
12 care setting, the individual providing supervision and/or collaboration shall have person-to-
13 person communication with Respondent as required by the Board each work day. Respondent
14 shall maintain telephone or other telecommunication contact with the individual providing
15 supervision and/or collaboration as required by the Board during each work day. The individual
16 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
17 site visits to patients' homes visited by Respondent with or without Respondent present.

18 11. **EMPLOYMENT LIMITATIONS.** Respondent shall not work for a
19 nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement
20 agency, a traveling nurse, or for an in-house nursing pool.

21 Respondent shall not work for a licensed home health agency as a visiting nurse
22 unless the registered nursing supervision and other protections for home visits have been
23 approved by the Board. Respondent shall not work in any other registered nursing occupation
24 where home visits are required.

25 Respondent shall not work in any health care setting as a supervisor of registered
26 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
27 nurses and/or unlicensed assistive personnel on a case-by-case basis.

28 ///

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined work site(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

12. **COMPLETE A NURSING COURSE(S).** Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

13. **VIOLATION OF PROBATION.** If Respondent violates the conditions of her probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

14. **LICENSE SURRENDER.** During Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances,

1 without further hearing. Upon formal acceptance of the tendered license and wall certificate,
2 Respondent will no longer be subject to the conditions of probation.

3 Surrender of Respondent's license shall be considered a disciplinary action and
4 shall become a part of Respondent's license history with the Board. A registered nurse whose
5 license has been surrendered may petition the Board for reinstatement no sooner than the
6 following minimum periods from the effective date of the disciplinary decision:

7 (1) Two years for reinstatement of a license that was surrendered for any
8 reason other than a mental or physical illness; or

9 (2) One year for a license surrendered for a mental or physical illness.

10 15. **PHYSICAL EXAMINATION.** Within 45 days of the effective date of
11 this Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
12 physician assistant, who is approved by the Board before the assessment is performed, submit an
13 assessment of the Respondent's physical condition and capability to perform the duties of a
14 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
15 medically determined, a recommended treatment program will be instituted and followed by the
16 Respondent with the physician, nurse practitioner, or physician assistant providing written
17 reports to the Board on forms provided by the Board.

18 If Respondent is determined to be unable to practice safely as a registered nurse,
19 the licensed physician, nurse practitioner, or physician assistant making this determination shall
20 immediately notify the Board and Respondent by telephone, and the Board shall request that the
21 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
22 shall immediately cease practice and shall not resume practice until notified by the Board.
23 During this period of suspension, Respondent shall not engage in any practice for which a license
24 issued by the Board is required until the Board has notified Respondent that a medical
25 determination permits Respondent to resume practice. This period of suspension will not apply
26 to the reduction of this probationary time period.

27 If Respondent fails to have the above assessment submitted to the Board within
28 the 45-day requirement, Respondent shall immediately cease practice and shall not resume

1 practice until notified by the Board. This period of suspension will not apply to the reduction of
2 this probationary time period. The Board may waive or postpone this suspension only if
3 significant, documented evidence of mitigation is provided. Such evidence must establish good
4 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
5 provided. Only one such waiver or extension may be permitted.

6 16. **PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM**
7 **FOR CHEMICAL DEPENDENCE.** Respondent, at her expense, shall successfully complete
8 during the probationary period or shall have successfully completed prior to commencement of
9 probation a Board-approved treatment/rehabilitation program of at least six months duration. As
10 required, reports shall be submitted by the program on forms provided by the Board. If
11 Respondent has not completed a Board-approved treatment/rehabilitation program prior to
12 commencement of probation, Respondent, within 45 days from the effective date of the decision,
13 shall be enrolled in a program. If a program is not successfully completed within the first nine
14 months of probation, the Board shall consider Respondent in violation of probation.

15 Based on Board recommendation, each week Respondent shall be required to
16 attend at least one, but no more than five 12-Step recovery meetings or equivalent (e.g.,
17 Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and
18 directed by the Board. If a nurse support group is not available, an additional 12-Step meeting or
19 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
20 such attendance to the Board during the entire period of probation. Respondent shall continue
21 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
22 mental health examiner and/or other ongoing recovery groups.

23 17. **ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING)**
24 **DRUGS.** Respondent shall completely abstain from the possession, injection or consumption by
25 any route of all controlled substances and all psychotropic (mood altering) drugs, including
26 alcohol, except when the same are ordered by a health care professional legally authorized to do
27 so as part of documented medical treatment. Respondent shall have sent to the Board, in writing
28 and within fourteen (14) days, by the prescribing health professional, a report identifying the

1 medication, dosage, the date the medication was prescribed, the Respondent's prognosis, the date
2 the medication will no longer be required, and the effect on the recovery plan, if appropriate.

3 Respondent shall identify for the Board a single physician, nurse practitioner or
4 physician assistant who shall be aware of Respondent's history of substance abuse and will
5 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
6 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
7 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
8 condition. If any substances considered addictive have been prescribed, the report shall identify a
9 program for the time limited use of any such substances.

10 The Board may require the single coordinating physician, nurse practitioner, or
11 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
12 addictive medicine.

13 18. **SUBMIT TO TESTS AND SAMPLES.** Respondent, at her expense,
14 shall participate in a random, biological fluid testing or a drug screening program which the
15 Board approves. The length of time and frequency will be subject to approval by the Board.
16 Respondent is responsible for keeping the Board informed of Respondent's current telephone
17 number at all times. Respondent shall also ensure that messages may be left at the telephone
18 number when she is not available and ensure that reports are submitted directly by the testing
19 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
20 to the Board by the program and Respondent shall be considered in violation of probation.

21 In addition, Respondent, at any time during the period of probation, shall fully
22 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
23 tests and samples as the Board or its representatives may require for the detection of alcohol,
24 narcotics, hypnotics, dangerous drugs, or other controlled substances.

25 If Respondent has a positive drug screen for any substance not legally authorized
26 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
27 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent

28 ///

1 from practice pending the final decision on the petition to revoke probation or the accusation.

2 This period of suspension will not apply to the reduction of this probationary time period.

3 If Respondent fails to participate in a random, biological fluid testing or drug
4 screening program within the specified time frame, Respondent shall immediately cease practice
5 and shall not resume practice until notified by the Board. After taking into account documented
6 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
7 Board may suspend Respondent from practice pending the final decision on the petition to
8 revoke probation or the accusation. This period of suspension will not apply to the reduction of
9 this probationary time period.

10 19. **MENTAL HEALTH EXAMINATION.** Respondent shall, within 45
11 days of the effective date of this Decision, have a mental health examination including
12 psychological testing as appropriate to determine her capability to perform the duties of a
13 registered nurse. The examination will be performed by a psychiatrist, psychologist or other
14 licensed mental health practitioner approved by the Board. The examining mental health
15 practitioner will submit a written report of that assessment and recommendations to the Board.
16 All costs are the responsibility of Respondent. Recommendations for treatment, therapy or
17 counseling made as a result of the mental health examination will be instituted and followed by
18 Respondent.

19 If Respondent is determined to be unable to practice safely as a registered nurse,
20 the licensed mental health care practitioner making this determination shall immediately notify
21 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
22 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
23 practice and may not resume practice until notified by the Board. During this period of
24 suspension, Respondent shall not engage in any practice for which a license issued by the Board
25 is required, until the Board has notified Respondent that a mental health determination permits
26 Respondent to resume practice. This period of suspension will not apply to the reduction of this
27 probationary time period.

28 ///

1 If Respondent fails to have the above assessment submitted to the Board within
2 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
3 practice until notified by the Board. This period of suspension will not apply to the reduction of
4 this probationary time period. The Board may waive or postpone this suspension only if
5 significant, documented evidence of mitigation is provided. Such evidence must establish good
6 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
7 provided. Only one such waiver or extension may be permitted.

8 20. **SPECIAL PROVISION.** Respondent is currently subject to probationary
9 conditions and disciplinary orders issued by the State of Illinois, Department of Financial
10 Regulation, Division of Professional Regulation, arising from unlawful diversion of controlled
11 substances while employed as a registered professional nurse at a hospital in 2006. If
12 Respondent violates a disciplinary order or probationary condition imposed on her registered
13 professional nurse license by the State of Illinois, such violation may result in the filing of an
14 Accusation and Petition to Revoke Probation by the California Board of Registered Nursing.

15 **ACCEPTANCE**

16 I understand that I have the right to retain private counsel at my own expense. I
17 have chosen to represent myself in this proceeding. I have carefully read the Stipulated
18 Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my
19 Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order
20 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
21 Board of Registered Nursing.

22 DATED: 4/16/09

23
24 
25 **CHRISTINA MARIE LAPINSKA**
Respondent

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

DATED

April 23, 2009


ARTHUR D. TAGGART

DOJ Matter ID: SA2008305156
30663265 wpd

Exhibit A

Statement of Issues No. 2009-114

EDMUND G. BROWN JR., Attorney General
of the State of California
ALFREDO TERRAZAS
Senior Assistant Attorney General
ARTHUR D. TAGGART, State Bar No. 083047
Supervising Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-5339
Facsimile: (916) 327-8643

Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

Case No. 2009 - 114

CHRISTINA MARIE LAPINSKA
9708 So. Normandy
Oak Lawn, Illinois 60453

STATEMENT OF ISSUES

Applicant/Respondent.

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Statement of Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

Application History

2. On or about July 2, 2008, the Board received an Application for Licensure by Endorsement from Christina Marie Lapinska ("Respondent"). On or about June 2, 2008, Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on August 20, 2008.

STATUTORY PROVISIONS

3. Section 2736 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

4. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

(3) Done any act which if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing

1 with Section 11000) of the Health and Safety Code or any
2 dangerous drug or dangerous device as defined in Section 4022.

3 **7. DRUGS**

4 "Dilaudid," a brand name for Hydromorphone, is a Schedule II controlled
5 substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(K).

6 "Morphine (MS)" is a Schedule II controlled substance as designed by Health
7 and Safety Code section 11055, subdivision (b)(1)(M).

8 **FIRST CAUSE FOR DENIAL OF APPLICATION**

9 **(Out-of-State Discipline)**

10 8. Respondent's application is subject to denial under Code sections 2761,
11 subdivision (a)(4), in that in a disciplinary action before the State of Illinois, Department of
12 Financial and Professional Regulation, Division of Professional Regulation, in the matter
13 entitled, *Department of Financial and Professional Regulation of the State of Illinois,*
14 *Complainant, v. Christina LaPinska, License No. 041269899, Respondent, Case No. 200700715,*
15 effective February 8, 2008, Respondent's Registered Nursing License No. 041269899 was placed
16 on probation for an indefinite period of not less than two years, with terms and conditions of
17 probation, including not to ingest alcohol, mood or mind altering substances, submit to random
18 urine screens, and to comply with all the conditions of an aftercare agreement. The
19 circumstances underlying the disciplinary action are that during the month of December 2006,
20 Respondent diverted Morphine and Dilaudid, both controlled substances, from her hospital
21 employer for her own personal use. A copy of the State of Illinois Consent Order is attached
22 hereto as **Exhibit A** and is incorporated herein.

23 **SECOND CAUSE FOR DENIAL OF APPLICATION**

24 **(Dishonesty, Fraud, or Deceit)**

25 9. Respondent's application is subject to denial under Code sections 2736,
26 and 480, subdivision (a)(2), in that Respondent committed acts involving dishonesty, fraud or
27 deceit with the intent to substantially benefit herself, as set forth in paragraph 8, above.

28 ///

1 **THIRD CAUSE FOR DENIAL OF APPLICATION**

2 **(Done Any Acts if Committed by a Licentiate)**

3 10. Respondent's application is subject to denial under Code sections 2736
4 and 480, subdivision (a)(3), in that she committed acts that if done by a licentiate of the business
5 or profession in question, would be grounds for suspension or revocation of a license, pursuant to
6 Code sections 2761, subdivision (a), and 2762, subdivision (a), as set forth in paragraph 8, above.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein
9 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Denying the application of Christina Marie Lapinska for a license; and
11 2. Taking such other and further action as deemed necessary and proper.

12
13 DATED: 11/27/08

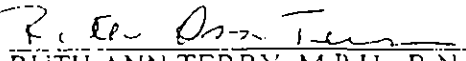
14
15
16 
17 RUTH ANN TERRY, M.P.H., R.N.
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant
23
24
25
26
27
28

EXHIBIT A
STATE OF ILLINOIS

EXHIBIT A
State of Illinois Consent Order

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND)	
PROFESSIONAL REGULATION)	
of the State of Illinois,)	Complainant,
v.)	No. 200700715
Christina LaPinska,)	
License No. 041269899,)	Respondent

CONSENT ORDER

The Department of Professional Regulation by Neal A. Draznin, one of its attorneys, and Christina LaPinska, Respondent, hereby agree to the following:

STIPULATIONS

Christina LaPinska is licensed as a Registered Professional Nurse in the State of Illinois, holding license No. 041269899. Said license is presently in ACTIVE status. At all times material to the matter set forth in this Consent Order, the Department of Financial and Professional Regulation, Division of Professional Regulation of the State of Illinois (hereinafter the "Department"), had jurisdiction over the subject matter and parties herein.

The Department alleges that during the month of December 2006, the Respondent diverted Morphine and Dilaudid from her hospital employer for her personal use.

The allegations set forth above, if proven to be true, would constitute grounds for suspending, revoking, or otherwise disciplining Respondent's license as a registered professional nurse on the authority of 225 Illinois Compiled Statutes 65/10-45(b)(7) and 65/10-45(b)(9).

As a result of the foregoing, an Informal Disciplinary Conference was held on September 20, 2007 at the offices of the Department at 100 West Randolph, Chicago. Nursing Board member, Ellen Davel was present as was the Respondent. Neal A. Draznin appeared as counsel for the Department.

Respondent has been advised of the right to have the pending allegation(s) reduced to written charges, the right to counsel, the right to a hearing, the right to contest any charges brought, and the right to administrative review of any Order resulting from a hearing. Respondent knowingly waives each of these rights, as well as any right to administrative review of this Consent Order. Respondent has freely and willfully entered into this Consent Order without any threat or coercion by any person. Respondent has not relied on any statements or promises made by or on behalf of the Department other than those specifically set forth in writing herein.

Respondent and the Department have agreed, in order to resolve this matter, that Respondent be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are fair and equitable in the circumstances and which are consistent with the best interests of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through Neal A. Draznin, its attorney, and Christina Lapinska, agree, as follows:

- A. Effective upon the Director of the Division of Professional Regulation's approving and signing this

Consent Order, Respondent's Registered Professional Nurse's License, License No. 041269899, shall be placed on PROBATION for an indefinite period of not less than two (2) years.

B. During the Probationary period, Respondent shall adhere to the following:

1. Respondent shall not ingest alcohol;
2. Respondent shall not ingest any mood or mind altering substances except those therapeutically prescribed by treating prescriber whose patient records reflect that the treating prescriber knew of Respondent's disease and ongoing recovery;
3. Respondent shall provide quarterly random urine screens during the Probationary period. Failure, refusal to give the screens, dilution or a positive result shall be a violation of Probation;
4. Respondent shall provide the Department with quarterly reports which include:
 - a. current residential address and telephone number where he can be reached;
 - b. if working as a nurse, Respondent shall provide a copy of any performance evaluation completed by her employer within the prior quarter. Respondent, shall at the beginning of Probation, provide the Department with

objective documentation as to the frequency of employee performance evaluations;

c. a description of job duties, responsibilities and name of immediate supervisor, if employed in a nursing related environment;

d. a copy of all incident reports within the prior quarter.

5. Respondent shall notify the Department's Nurse Investigative Supervisor in writing of any change in employment and home address and telephone within five (5) days;

6. The Respondent will provide the Department with:

a. current residential address and telephone number where he can reached;

b. a copy of any performance evaluation completed by her employer. Respondent shall, at the beginning of Probation, provide the Department with objective documentation as to the frequency of employee performance evaluations;

c. a description of job duties, responsibilities and name of immediate supervisor, if employed in

a nursing related environment; a
copy of all incident reports within
the prior quarter;

- C. Respondent shall enter into and comply with all substantive conditions of an Aftercare Agreement with the Illinois Professionals Health Program, unless another Aftercare Program is pre-approved in writing by one of the Department's prosecutions or probation staff. Conditions in the Aftercare Agreement relating to the payment of fees to the Illinois Professionals Health Program are not deemed substantive conditions. Respondent shall cause a copy of her current Aftercare Agreement to be submitted to the Department's Nursing Act Coordinator within ten (10) days of execution of this agreement by the Board. Respondent shall cause copies of any amendments to the aftercare Agreement to be submitted to the Department's Nursing Act Coordinator within three (3) days of implementation.
- D. Respondent shall routinely attend approved self-help group meetings pursuant to the terms of the Aftercare Agreement.
- E. Respondent agrees that any positive drug test subsequent to entry of this Consent Order permits the Department of Professional Regulation to issue an Order mandating the automatic, indefinite and immediate suspension of the Respondent's nursing license for a minimum of twelve (12) months. This

suspension shall not preclude the Department from taking any other disciplinary or other action it deems appropriate. In the event that Respondent contests in writing (by filing an appropriate motion with the Department) the factual basis underlying the suspension, then Respondent shall be afforded a hearing on the merits within thirty (30) days from the filing thereof.

F. Respondent agrees that any violation of paragraph B, C, D, or E of this Consent Order permits the Director of the Division of Professional Regulation to issue an Order forthwith mandating the automatic, indefinite and immediate suspension of Respondent's license as a Registered Professional Nurse for a minimum period of six (6) months. This suspension shall not preclude the Department from taking any other disciplinary or other action it deems appropriate. In the event Respondent contests in writing (by the filing of an appropriate petition with the Department) the factual basis underlying said suspension within thirty (30) days of the imposition thereof, then Respondent shall be afforded a hearing on the merits within thirty (30) days from filing of said petition.

G. Any violation by the Respondent of the terms and conditions of this Consent Order shall be grounds for the Department to immediately file a Complaint to

revoke the Respondent's license to practice as a Registered Professional Nurse in the State of Illinois.

H. All reports required to be submitted to the Department pursuant to this Consent Order shall be sent to:

Illinois Department of Financial and Professional Regulation
Division of Professional Regulation

Attn: Probation Compliance Unit


100 West Randolph Street, Suite 9-300

Chicago, Illinois 60601

I. This Consent Order shall become effective upon the signing and approval by the Director of the Department.

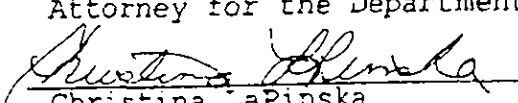
DATE

01/18/08


Neal A. Draznin
Attorney for the Department

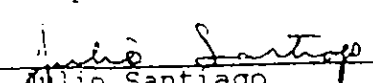
DATE

1/3/2008


Christina LaPinska
Respondent

DATE

1/14/08


Julio Santiago
Chair, Illinois Board of Nursing

The foregoing Consent Order is approved in full.

DATED THIS 8th day of February, 2008.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION, DEPARTMENT OF PROFESSIONAL
REGULATION of the State of Illinois; DEAN
MARTINEZ, SECRETARY


DANIEL E. BLUTHARDT
DIRECTOR

REF: License No. 041269899, Case No. 200700715